

**CITY COUNCIL
ATLANTA, GEORGIA**

**A SUBSTITUTE ORDINANCE
BY COUNCILMEMBER CARLA SMITH**

07-O-0253

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO EXTEND THE TERM OF THE AGREEMENT BEYOND THE ORIGINALLY AUTHORIZED TERM FOR FC-7401-02, WATERSHED MASTER PLAN, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, WITH BROWN AND CALDWELL, PURSUANT TO AMENDMENT NO. THREE (3) FOR AN ADDITIONAL EIGHTEEN (18) MONTHS, IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED TWENTY TWO THOUSAND SEVEN HUNDRED FIFTEEN DOLLARS AND NO CENTS (\$822,715.00); TO RATIFY AND AUTHORIZE THE EXTENSION OF THE AGREEMENT TERM BEYOND THE ORIGINALLY AUTHORIZED TERM, PURSUANT TO AMENDMENTS NO. 1 AND 2; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J27 (2001 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I22029999 (FACILITIES EVALUATION); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with Brown and Caldwell for FC-7401-02, Watershed Master Plan ("Plan"), pursuant to Resolution No. 02-R-1588, which included a term of eighteen (18) months and expired on September 4, 2004; and

WHEREAS, the Chief Procurement Officer issued a 90-day extension which expired on December 3, 2004; and

WHEREAS, Amendment Agreement No. 1 was executed pursuant to Resolution No. 04-R-1749, extending the original term of the Agreement fifteen (15) months to include to ensure the ongoing maintenance and development of the Plan, which expired on March 3, 2006; and

WHEREAS, Amendment Agreement No. 2 was executed pursuant to Resolution No. 05-R-2129, extending the original term of the Agreement for an additional twelve (12) months to incorporate key components, such as the water collection preliminary design work and the Water Distribution System Hydraulic Model update, which expires on March 3, 2007; and

WHEREAS, the extension of the original term of an Agreement, beyond a 90 day extension authorized by the Chief Procurement Officer and without conducting a new competitive procurement process, can only be authorized through the waiver of the City's Procurement and Real Estate Code pursuant to an ordinance; and

WHEREAS, the extension of the original term of the agreement and authorization of Amendment Agreement No. 1 and Amendment Agreement No. 2 should have been authorized by ordinance not by resolution, to include the waiver of the procurement code. Accordingly, Resolution No. 02-R-1588 and Resolution No. 05-R-2129 did not properly authorize the extension of the original agreement term for Amendment Agreement No. 1 and Amendment Agreement No. 2 and this ordinance is necessary to ratify and authorize the extension of the original term the Agreement for Amendment Agreement No. 1 and Amendment Agreement No. 2; and

WHEREAS, Brown and Caldwell has performed the contracted services satisfactorily and are nearing completion of the tasks associated with completion of the Plan; and

WHEREAS, Brown and Caldwell is best situated to complete the tasks associated with the Plan and re-procurement for these services would have a substantially negative economic impact and such services will likely not be able to be performed by any other firm; and

WHEREAS, the Commissioner of Watershed Management and the Chief Procurement Officer recommend the execution of Amendment Agreement No. 3 with Brown and Caldwell for FC-7401-02, Watershed Master Plan, to extend the original term of the Agreement for an additional eighteen (18) months, in an amount not to exceed Eight Hundred Twenty Two Thousand Seven Hundred Fifteen Dollars and No Cents (\$822,715.00) and further recommend this ordinance to ratify and authorize Amendment Agreement No. 1 and Amendment Agreement No. 2, which also extended the original term of the agreement, as described above.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Amendment Agreement No. 1 to extend the original term of the agreement for a term of an additional fifteen (15) months, as more particularly described in Resolution No. 04-R-1749, is hereby ratified and authorized by this ordinance; and Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the extension of the original agreement term under Amendment Agreement No. 1.

SECTION 2: That Amendment Agreement No. 2 to extend the original term of the agreement for a term of an additional twelve (12) months, as more particularly described in Resolution No. 05-R-2129, is hereby ratified and authorized by this ordinance; and Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the extension of the original agreement term under Amendment Agreement No. 2.

SECTION 3: That the Mayor is authorized to execute Amendment Agreement No. 3 ("Agreement") with Brown and Caldwell for FC-7401-02, Watershed Master Plan, in an amount not to exceed Eight Hundred Twenty Two Thousand Seven Hundred Fifteen Dollars and No Cents (\$822,715.00) to include an extension of the original term of the agreement for an additional eighteen (18) months, effective March 3, 2007.

SECTION 4: That all contracted work will be charged to and paid from Fund, Account and Center Number 2J27 (2001 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I22029999 (Facilities Evaluation).

SECTION 5: That the Chief Procurement Officer is directed to prepare an appropriate Amendment Agreement for execution by the Mayor.

SECTION 6: That this Amendment Agreement No. 3 will not become binding upon the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Brown and Caldwell.

SECTION 7: That Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the authorization of Amendment Agreement No. 3.

SECTION 8: That all ordinances in conflict with this ordinance are waived for this instance only.

AN ORDINANCE

BY



AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO EXTEND THE TERM OF THE AGREEMENT BEYOND THE ORIGINALLY AUTHORIZED TERM FOR FC-7401-02, WATERSHED MASTER PLAN, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, WITH BROWN AND CALDWELL, PURSUANT TO AMENDMENT NO. THREE (3) FOR AN ADDITIONAL TWELVE (12) MONTHS, IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY TWO THOUSAND TWO HUNDRED FIFTY SEVEN DOLLARS AND NO CENTS; TO RATIFY AND AUTHORIZE THE EXTENSION OF THE AGREEMENT TERM BEYOND THE ORIGINALLY AUTHORIZED TERM, PURSUANT TO AMENDMENTS NO. 1 AND 2; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J27 (2001 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I22029999 (FACILITIES EVALUATION); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with Brown and Caldwell for FC-7401-02, Watershed Master Plan ("Plan"), pursuant to Resolution No. 02-R-1588, which included a term of eighteen (18) months and expired on September 4, 2004; and

WHEREAS, the Chief Procurement Officer issued a 90-day extension which expired on December 3, 2004; and

WHEREAS, Amendment Agreement No. 1 was executed pursuant to Resolution No. 04-R-1749, extending the original term of the Agreement fifteen (15) months to include to ensure the ongoing maintenance and development of the Plan, which expired on March 3, 2006; and

WHEREAS, Amendment Agreement No. 2 was executed pursuant to Resolution No. 05-R-2129, extending the original term of the Agreement for an additional twelve (12) months to incorporate key components, such as the water collection preliminary design work and the Water Distribution System Hydraulic Model update, which expires on March 3, 2007; and

WHEREAS, the extension of the original term of an Agreement, beyond a 90 day extension authorized by the Chief Procurement Officer and without conducting a new competitive procurement process, can only be authorized through the waiver of the City's Procurement and Real Estate Code pursuant to an ordinance; and

WHEREAS, the extension of the original term of the agreement and authorization of Amendment Agreement No. 1 and Amendment Agreement No. 2 should have been authorized by ordinance not by resolution, to include the waiver of the procurement code. Accordingly, Resolution No. 02-R-1588 and Resolution No. 05-R-2129 did not properly authorize the extension of the original agreement term for Amendment Agreement No. 1 and Amendment Agreement No. 2 and this ordinance is necessary to ratify and authorize the extension of the original term the Agreement for Amendment Agreement No. 1 and Amendment Agreement No. 2; and

WHEREAS, Brown and Caldwell has performed the contracted services satisfactorily and are nearing completion of the tasks association with completion of the Plan; and

WHEREAS, Brown and Caldwell is best situated to complete the tasks associated with the Plan and re-procurement for these services would have a substantially negative economic impact and such services will likely not be able to be performed by any other firm; and

WHEREAS, the Commissioner of Watershed Management and the Chief Procurement Officer recommend the execution of Amendment Agreement No. 3 with Brown and Caldwell for FC-7401-02, Watershed Master Plan, to extend the original term of the Agreement for an additional twelve (12) months, in an amount not to exceed Five Hundred Seventy Two Thousand Two Hundred Fifty Seven Thousand Dollars and No Cents (\$572,257.00) and further recommend this ordinance to ratify and authorize Amendment Agreement No. 1 and Amendment Agreement No. 2, which also extended the original term of the agreement, as described above.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Amendment Agreement No. 1 to extend the original term of the agreement for a term of an additional fifteen (15) months, as more particularly described in Resolution No. 04-R-1749, is hereby ratified and authorized by this ordinance; and Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the extension of the original agreement term under Amendment Agreement No. 1.

SECTION 2: That Amendment Agreement No. 2 to extend the original term of the agreement for a term of an additional twelve (12) months, as more particularly described in Resolution No. 05-R-2129, is hereby ratified and authorized by this ordinance; and Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the extension of the original agreement term under Amendment Agreement No. 2.

SECTION 3: That the Mayor is authorized to execute Amendment Agreement No. 3 ("Agreement") with Brown and Caldwell for FC-7401-02, Watershed Master Plan, in an amount not to exceed Five Hundred Seventy Two Thousand Two Hundred Fifty Seven

Thousand Dollars and No Cents (\$572,257.00) to include an extension of the original term of the agreement for an additional twelve (12) months, effective March 3, 2007.

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SECTION 6: That this Amendment Agreement No. 3 will not become binding upon the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Brown and Caldwell.

SECTION 7: That Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that such applies to the authorization of Amendment Agreement No. 3.

SECTION 8: That all ordinances in conflict with this ordinance are waived for this instance only.

Legislative Summary
FC-7401-02, Watershed Master Plan, Amendment No. 3

Committee of Purview: City Utilities Committee

Caption

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO EXTEND THE TERM OF THE AGREEMENT BEYOND THE ORIGINALLY AUTHORIZED TERM FOR FC-7401-02, WATERSHED MASTER PLAN, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, WITH BROWN AND CALDWELL, PURSUANT TO AMENDMENT NO. THREE (3) FOR AN ADDITIONAL TWELVE (12) MONTHS, IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY TWO THOUSAND TWO HUNDRED FIFTY SEVEN DOLLARS AND NO CENTS; TO RATIFY AND AUTHORIZE THE EXTENSION OF THE AGREEMENT TERM BEYOND THE ORIGINALLY AUTHORIZED TERM, PURSUANT TO AMENDMENTS NO. 1 AND 2; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J27 (2001 WATER & WASTEWATER BOND FUND) 524001 (CONSULTANT/PROFESSIONAL SERVICES) Q38I22029999 (FACILITIES EVALUATION); AND FOR OTHER PURPOSES.

Committee Meeting Date:	February 14, 2007
Council Meeting Date:	February 19, 2007
Requesting Dept:	Watershed Management
Contract Type:	Service
Source Selection:	Proposal
Proposals Due:	April 17, 2002
Invitations Issued:	117
Proposals Received:	3
Proponents:	Brown and Caldwell Camp Dresser and McKee, Inc. EarthTech Inc.
Contractor:	Brown and Caldwell
Estimated Value:	\$572,257.00
Scope Summary:	The twelve (12) month extension of the Watershed Master Plan is requested at this time to allow two key pieces of

work to be incorporated into the Watershed Master Plan – the wastewater collection system preliminary design work, which is being performed by the Program Management Team (PMT); and the Water Distribution System Hydraulic Model update, which is being performed by an outside contractor.

The Department of Watershed Management desires to extend the current Agreement with Brown and Caldwell. The Watershed Master Plan developed under this current Agreement has provided the City thus far with a comprehensive plan for the development and maintenance of the City's Watershed Systems and Facilities.

The City's Watershed Facilities include all water reclamation centers, combined sewers outfalls, biosolids management facilities, sewer collection and transmission lines, pump stations, force mains, reuse facilities, treated effluent transmissions mains, water treatment plants, water distribution systems and the City's stormwater management system. ("WMP"). This project was designed to be a tool that the City can use now and in the future.

- This project has been driven at a pace which allows for significant control and involvement by City personnel as opposed to having the contractor drive the project.
- Significant progress and valuable deliverables have been and continue to be provided by the project, for example:
 - A Capital Improvement Program ("CIP") database containing 148 projects has been created. The projects are currently being uploaded to the Clean Water Atlanta website where it will be available for future CIP work
 - Numerous maps have been created and posted for the use of the City and PMT staff.
 - All watershed facilities have been described and documented in a single document which contains all the Department's treatment plants, CSO facilities, wastewater collection, pump stations etc.
 - Population, water demand and pollutant load projection methods have been researched and compiled – which is critical for making watershed system recommendations for the future.

Evaluation Team:

The Review/Evaluation Committee members comprised of representatives from the Department of Watershed Management, Office of Contract Compliance and Risk Management.

Terms of Contract:

Original Contract Terms: A period of 18 months; March 5, 2003 to September 4, 2004; Terms Net 30

90 day extension: September 4, 2004 to December 4, 2004

Amendment No. 1: A period of 15 months:
December 5, 2004 to March 4, 2006

Amendment No. 2: A period of 12 months:
March 4, 2006 to March 3, 2007

Prepared By:

Staci M. Wilbon, CPPB, Contracting Officer Senior

Contact Number:

(404) 330-6556



SHIRLEY FRANKLIN
MAYOR

CITY OF ATLANTA
55 TRINITY AVENUE, SUITE 5400, SOUTH BLDG
ATLANTA, GA 30335-0310
OFFICE (404) 330-6081 FAX: (404) 658-7194

DEPARTMENT OF WATERSHED
MANAGEMENT
ROBERT J. HUNTER
COMMISSIONER

February 2, 2007

MEMORANDUM

TO: Adam Lorenzo Smith, Chief Procurement Officer
Department of Procurement

FROM: Robert J. Hunter, Commissioner
Department of Watershed Management

SUBJECT: FC-7401-02, Watershed Master Plan
Original Contract Amount: \$3,500,000.00 03/05/03
90 Day Extension 09/03/04
Amendment 1: Time only – 12/03/04
Amendment 2: Time only – 12 months 12/16/05

The Department of Watershed Management is requesting your assistance to prepare legislation for Amendment 3 for FC-7401-02, Watershed Master Plan, with Brown and Caldwell in amount not to exceed Eight Hundred Twenty Two Thousand Seven Hundred Fifteen (\$822,715.00) Dollars and No Cents.

The recommendation is to amend and extend this contract for an additional eighteen months.

All services for the contracted work shall be charged to and paid from fund, account and center number 2J27 524001 Q38I22029999.

Thank you for your assistance in this matter.

SP/WC

C Sheila Pierce DWM
George D. Barnes, DWM
Cathy Martin, DOP
Jerri Russell, DWM
Willie Canidate, DWM

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

M. S. Middleton

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities

Council Deadline: January 22, 2007

Committee Meeting Date(s): January 30, 2007 Full Council Date: February 19, 2007

Commissioner Signature

[Signature]

2.5.07

CAPTION

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FINANCIAL IMPACT (if any) \$572,257.00

Mayor's Staff Only

Received by Mayor's Office:

(date)

2/5/07

Reviewed by:

[Signature]

Submitted to Council:

(date)